

# **WEST VIRGINIA LEGISLATURE**

## **2019 REGULAR SESSION**

### **Committee Substitute**

**for**

### **House Bill 2095**

BY DELEGATE DEAN

[Committee on Education;

January 16, 2019.]



1 A BILL to amend and reenact §18-2-39 of the Code of West Virginia, 1931, as amended, relating  
2 to assessing college-and career-readiness of 11th and 12th grade students; removing  
3 requirement for use of mutually agreed upon assessment after completion of 12<sup>th</sup> grade  
4 transition course; authorizing periodic examinations of student progress; prohibiting  
5 requirement to retake or administer college and career ready examinations to transition  
6 course students; removing limitation on state institutions of higher education to use only  
7 the examinations to determine student enrollment in remedial courses; and authorizing  
8 use of other data sources to determine appropriate course placement.

*Be it enacted by the Legislature of West Virginia:*

## **ARTICLE 2. STATE BOARD OF EDUCATION.**

### **§18-2-39. College and career readiness initiative.**

1 (a) The Legislature finds that:

2 (1) According to ACT, only 25 percent of ACT-tested high school graduates in the nation  
3 met college readiness benchmarks in English, reading, mathematics, and science and only 17  
4 percent in West Virginia met the benchmarks in all four subjects;

5 (2) The post-secondary remediation rates of students entering post-secondary institutions  
6 directly out of high school indicate that a large percentage of students are not being adequately  
7 prepared at the elementary and secondary levels;

8 (3) This high level of post-secondary remediation is causing both students and the state  
9 to expend extra resources that would not have to be expended if the students were adequately  
10 prepared at the elementary and secondary levels;

11 (4) A strong foundation in English/language arts and math provides a basis for learning in  
12 all other subject areas and for on-the-job training; and

13 (5) A comparison of the percentages of students considered proficient in eighth grade  
14 reading and math by the state assessment and the National Assessment of Educational Progress  
15 indicate that the state assessment currently does not accurately reflect national standards.

(b) Before the 2014-2015 school year, the state board, the Higher Education Policy Commission and the Council for Community and Technical College Education shall collaborate in formally adopting uniform and specific college- and career-readiness standards for English/language arts and math. The standards shall be clearly linked to state content standards and based on skills and competencies rather than high school course titles. The standards shall allow for a determination of whether a student needs to enroll in a post-secondary remedial course. The state board shall develop a plan for gradually bringing the standards for a high school diploma and college- and career- readiness into uniformity, and report this plan to the Legislative Oversight Commission on Education Accountability not later than December 31, 2013.

(c) The results on the comprehensive statewide student assessment program in grade 11 in English/language arts and mathematics shall be used to determine whether a student has met the college- and career-readiness standards adopted pursuant to subsection (b) of this section. Beginning with the 2015-2016 school year, instead of using the comprehensive statewide student assessment program, the state board may develop and implement end-of-course exams in English/language arts and math courses it determines appropriate. These exams are designed for determining whether a student has met the college- and career-readiness standards. In order to allow for the enrollment in transitional courses in the 12th grade if necessary pursuant to subsection (e) of this section, the courses, assessments and exams, as applicable, shall be administered before the 12th grade.

(d) Under its authority granted in §18A-3-1 of this code, the state board shall require all teacher preparation programs in the state to include appropriate training for teachers seeking to teach in at least any of grades eight through 12 with respect to teaching the adopted college- and career-readiness standards. This training shall focus on teaching the standards directly, through embedding the standards in other courses or both, as appropriate.

(e) The state board shall develop a 12th-grade transitional course for both English/language arts and math for those students who are not on track to be college- and career

ready based on the assessment or exam, as applicable, required pursuant to subsection (c) of this section. The transitional courses shall be aligned with the standards adopted pursuant to subsection (b) of this section. ~~The state board in collaboration with the West Virginia Higher Education Policy Commission and the Council for Community and Technical College Education shall use the American College Testing Program's Computerized Adaptive Placement Assessment and Support System (COMPASS) or other mutually agreed-upon assessment to determine whether a student has met the college- and career-readiness standards after completion of the transitional course~~ Periodic examinations may be administered to students in 12th grade transitional programs to measure student progress, but students in these transitional programs at grade 12 may not be required to re-take the college- and career-readiness examinations previously administered during grade 11, nor may they be required to complete any other examination-based assessment of college- and career-based readiness.

(f) For all West Virginia public high school graduates who graduate during or after the ~~2016-2017~~ 2018-2019 school year, all state institutions of higher education may use ~~no factor other than the assessment, exam or test, as applicable, required pursuant to subsections (c) and (e) of this section to determine whether a student is to enroll in a remedial course or is to be placed in a college-level introductory course~~ a student's high school assessment data and other information showing the student's academic achievement and readiness to determinate the most appropriate course placement for the student. Nothing in this subsection prohibits an institution from administering a diagnostic test to determine specific areas of weakness so that the specific weaknesses can be remediated rather than requiring a student to take an entire remedial course.

(g) The state board shall:

(1) Hold high schools and districts accountable for increasing the percentages of students who meet the college- and career-readiness standards as indicated by the assessments, exams or tests, as applicable, required pursuant to subsections (c) and (e) of this section. This

accountability shall be achieved through the school and school system accreditation provisions set forth in §18-2E-5 of this code;

(2) Align the comprehensive statewide student assessment for all grade levels in which the test is given with the college- and career-readiness standards adopted pursuant to subsection (b) of this section or develop other aligned tests at each grade level so that progress toward college- and career readiness in English/language arts and math can be measured; and

(3) Hold all schools and districts accountable for helping students in earlier grade levels achieve scores on math and English/language arts tests that predict success in subsequent levels of related coursework. This accountability shall be achieved through the school and school system accreditation provisions set forth in §18-2E-5 of this chapter;

(h) Except as otherwise specified, all provisions of this section become effective with the 2014-2015 school year.

(i) On or before December 31, 2013, the state board shall promulgate a legislative rule in accordance with §29A-3B-1 *et seq.* of this code to implement the provisions of this section.

Strike-throughs indicate language that would be stricken from a heading or the present law and underscoring indicates new language that would be added.